

DIOCESE OF SOUTH DAKOTA

Policy #24 POLICIES AND PRACTICES FOR PREVENTION OF CHILD ABUSE

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DIOCESE OF SOUTH DAKOTA
POLICIES AND PRACTICES
FOR PREVENTION OF CHILD ABUSE

Mission Statement

God embraces children with love, placing their nurture and care in our hands. We believe that children should be safe from all forms of abuse and neglect. We, the Church, will be advocates for children and establish clearly defined safeguards, policies and procedures for their protection.

Jesus teaches us very explicitly that children have both the right and the key to God's kingdom. He demonstrated this through blessing and touch.

“And they were bringing children to him, that He might touch them, and the disciples rebuked them. But when Jesus saw it He was indignant, and said to them, ‘Let the children come to me, do not hinder them; for to such belongs the kingdom of God. Truly, I say to you, whoever does not receive the kingdom of God like a child shall not enter it.’ And He took them in his arms and blessed them, laying his hands upon them.”

Mark 10:13-16

Goals and Rationale

Our goal in response to the biblical mandate and societal needs is to maintain a safe, secure, loving place where children may grow and where their caregivers, teachers, and leaders, both paid and volunteer, minister appropriately to their needs.

We believe that The Diocese of South Dakota should take a forthright stance on protecting children from abuse and adopt firm standards of practice for clerical, lay staff, and volunteers who are employed or who volunteer their time and talents in the church and its institutions.

Unfortunately, our ministry to, with, and among children also brings with it the danger of attracting men and women who have sexual or other inappropriate interest in children. Therefore our responsibility in safeguarding children requires our utmost vigilance.

We believe there should be clear policies and practices for dealing with those persons convicted of child abuse crimes. There is a need to identify the responsibilities of the various members of the church's staff – clergy, lay employees and volunteers – in reporting child abuse; a need to provide proactive steps that would minimize the opportunities for the church to be considered a party in the abuse or neglect of children.

Definitions of Child Abuse

Under South Dakota law, an abused or neglected child is defined as one who has suffered any one or more of the following: been abandoned or mistreated or abused; lacks proper

parental care; has not been provided proper supervision, medical care, or guidance by parents or custodians; is homeless; been threatened with substantial harm; sustained emotional harm or mental injury; has been subjected to sexual abuse, molestation, or exploitation by any person responsible for the child's care.

SDCL 26-8A-3 requires that any physician, dentist, doctor of osteopathy, chiropractor, optometrist, mental health professional or counselor, podiatrist, psychologist, religious healing practitioner, social worker, hospital intern or resident, parole or court services officer, law enforcement officer, teacher, school counselor, school official, nurse, licensed or registered child welfare provider, employee or volunteer of a domestic abuse shelter, chemical dependency counselor or coroner, who have reasonable cause to suspect that a child under the age of eighteen has been abused or neglected shall report that information. Any person who intentionally fails to make the required report is guilty of a Class 1 misdemeanor.

Types and Sign of Child Abuse*

Signs of abuse may be observed in the child's appearance, or in the behavior of the child or the parent. Behavior that is normal in some situations may indicate abuse if the questionable behavior is extreme, starts or stops suddenly, or lasts a long time.

Physical abuse is any non-accidental injury or pattern of injuries to a child. Signs in the child's appearance include unusual bruises, welts, burns, cuts and frequent injuries explained as accidental. The child may exhibit extreme behavior, e.g., very aggressive or self-controlled or withdrawn, may have a poor self concept, hurt others, or avoid physical contact with them. The abusing parent may participate minimally in the child's activities and show little concern for the child, have unrealistic expectations or negative perceptions of the child, or use harsh punishment. The child's injuries may be concealed by clothing or explained unconvincingly by the parent or the child.

Sexual abuse includes exhibitionism, voyeurism, sexual exploitation, and genital contact. Most cases involve parents or other family members. Signs in the child's appearance include stained or bloody underclothes, injuries in the genital or anal areas, evidence of sexually transmitted diseases, or pregnancy. Behavioral signs that may be noted in the child include difficulty in walking or sitting, excessive masturbation, seductive behavior, or an unusual degree of knowledge about sex. The child may also appear withdrawn or anxious or relate poorly to peers. The abusing parent may be socially or geographically isolated. He/she may appear jealous or overprotective and may spend extended time with the child, refusing to permit social contacts.

Emotional abuse involves verbal assaults and excessive demands on a child resulting in a negative self image and often disturbed behavior. Physical signs of emotional abuse are not always present, but may include eating or speech disorders, developmental delays, or flat or bald spots on an infant's head. Behavioral signs include excessive biting, rocking, sucking, or scratching of self. The child may act older or younger than his/her age. He/she may be withdrawn, hyper-active, aggressive, or submissive. The parent may seem

immature and uninterested in the child's problems or needs, rejecting and belittling the child and withholding love.

Neglect is usually the result of a parent's negligence and the child's appearance may include unusually small size or low weight, poor grooming, and inappropriate clothing. The child may be always hungry, listless or sleepy, and may need medical or dental care. He/she may spend long periods of time alone and unsupervised, may have poor school attendance, or may assume adult roles and responsibilities. The parent may be apathetic, socially isolated, have poor parenting skills, or lack interest in the child. He/she may be disorganized, unstable, or unkempt.

*All definitions are from Fact Sheet #3, *Indicators of Child Abuse and Neglect* from the Clearinghouse for Child Abuse Prevention. All other information is from Fact Sheet #3 and *Child Abuse and Neglect* published by the Council on Child Abuse of Southwestern Ohio, Inc.

Reporting Child Abuse

Any paid or volunteer worker who knows or reasonably suspects a case of child abuse will report to the state's attorney of the county where the child resides or is present or the department of social services or to law enforcement officers.

Verbal or written reports should contain the following information:

- Name and address of the child.
- Age of the child.
- Name and address of the parent or caretaker.
- Why you suspect the child is being abused or neglected.
- Any other helpful information.

It is encouraged that known or reasonably suspected child abuse of a child associated with the parish be reported immediately to the rector or wardens and in the case of a Parish receiving aid, to the Bishop. If, however, it is known or reasonably suspected that such abuse was committed by a clergy person, a lay employee, or volunteer in the parish the Bishop must be notified immediately.

Follow-up to a Report

After a report is made, the Department of Human Services must investigate. The investigation is made in cooperation with the appropriate local law enforcement agency. Parents, family members, and friends may be questioned. All investigations result in a written report by the agency. The report is confidential.

Social Service workers shall determine the circumstances surrounding the injuries, abuse, or neglect, their cause, and the person or persons responsible and shall report such findings to the state's attorney who shall take immediate action. It is not the intent of the law to remove a child from the home unless the child is clearly in danger. The purpose is to protect the child.

Allegations or accusations of child abuse with the church are to be investigated immediately. Guidelines for such action are contained in this document.

PREVENTION OF ABUSE WITH THE CHURCH and POLICIES AND PRACTICES

Most sexual abuse of children is done over a period of time in a seductive manner. Even with all the precautions that a parish or church related institution has taken to hire and even supervise volunteers and staff, a pedophile (an adult who molests children) may still have been hired. There are policies and procedures that should be instituted to minimize the possibility of the children served from being abused.

In light of the frequent occurrence of child abuse and neglect, it is imperative that churches and institutions openly recognize and discuss the importance of protecting children and young people from abuse. Being educated on these issues, being familiar with diocesan guidelines, and adopting them is the best defense.

In an effort to create the safest possible environment within our church, several abuse prevention measures will be utilized. These measures include screening of staff and volunteers for past child abuse convictions or expungements, provision of regular training on child abuse issues to volunteer and staff members, use of team teaching and chaperoning standards for appropriate classroom discipline, and open classrooms. Hiring and performance standards for paid staff will be set by the rector or vicar in consultation with the vestry, or in the case of a church related institution, by the director in consultation with the board.

Volunteer and Staff Screening

Incidents of molestation can occur in any church. Most churches are all too willing, without any screening process whatever, to welcome anyone expressing an interest in working in a volunteer capacity with minors. Churches are by nature trusting and unsuspecting institutions, and it is these very qualities that have made them targets of child molesters.

A single incident of abuse or molestation can devastate a parish. Parents often become enraged, the viability of the parish's youth and children's programs is jeopardized, and parish leaders are often considered responsible for allowing the incident to happen. There is also the enormous potential for legal liability for the parish, its officers and directors, and institutions. More tragic is the emotional trauma to the victim and the victim's family.

Prior to beginning the first year of service, each volunteer children's teacher, child care worker, or youth worker with regular teaching responsibilities during the school year should be asked to sign a statement indicating that he/she has never been convicted of child abuse nor had such a conviction expunged. Anyone who has had a child abuse conviction or expungement, as well as anyone refusing to sign the statement, will not be permitted to work with children. Although this policy may unfairly exclude someone who

could safely work with children, we believe it is best to err on the side of the children's safety.

Guidelines for hiring procedures are included in this document. A sample application for child/youth workers is included in the document with sample forms (Form C). Each new volunteer or employee also should sign the application and, if hired or appointed, the *Covenant for Sexual Responsibility* (Form B) acknowledging receipt of the *Policies and practices for Prevention of Child Abuse* and *Policies and Procedures Concerning Sexual Misconduct* and his or her willingness to abide by the policies.

Any adult or teenager who volunteers to work with children or youth should be a member of the parish for a minimum of six months before beginning such service. This will give adequate time for the clergy and staff to become acquainted with the person volunteering his or her services. All too often a person new to the parish is immediately welcomed to work with young people or even pressed into service because of lack of volunteers. There is a need to cautious while still welcoming the interest of the person volunteering his or her time.

Prior to beginning their first year of teaching, all volunteer child care workers, children's Sunday School teachers and youth workers who teach regularly during the school year will be required to read the policies and sign a form indicating that they have read and understand the policies (Form H).

Volunteer and Staff Training

Regular church school teachers and youth workers, whether volunteer or compensated, will also be required to attend one four-hour training session related to the policies. The content of the training session will deal with child abuse, how to recognize it and how to prevent it. These sessions will be offered by the diocese beginning in 1994 and are in the process of being designed.

Team Teaching and Chaperoning

Whenever possible, teachers should be encouraged to teach in teams of two or more for every class of children or youth. Concerted effort will be made to recruit sufficient numbers of volunteer teachers to permit such team teaching. Other church sponsored or community groups of children or youth who meet at the church should have two or more leaders present whenever possible. When the group includes both boys and girls, both male and female leaders should be present. If the group stays overnight at the church, or if a church-sponsored group leaves the premises, two or more leaders must be present.

Classroom Discipline

No physical punishment or verbal abuse, such as ridicule, are to be used at any time. If isolating the child within the classroom or removal of the child from the room becomes necessary, the situation must be discussed with the child's parents or guardian as soon as possible.

Driving Policies

Persons designated to provide automobile or van transportation to or from church events must be known to the designated leader of the event. The driver must:

- Be at least 18 years old;
- Have a valid driver's license, qualified for the vehicle being operated;
- Have no record of convictions for drunken driving, driving under the influence, driving with a suspended or revoked license, or reckless endangerment;
- Have proof of insurance.

Gifts

All staff, either paid or volunteer, are not to give gifts to individual children or young people without the prior knowledge of the parent(s) or responsible clergy. Because gift giving can be a form of buying loyalty or silence, gift giving should be done on a group basis, or for special occasions only. Gifts should not be elaborate and should be modest and appropriate to the occasion.

Individual Counseling

One-on-one interactions are sometimes necessary and appropriate, but care should be taken that they be conducted in an environment that provides visibility by other adults. If at all possible, another adult should have knowledge of the staff member's whereabouts and with whom they are meeting. Staff or volunteers must never make secret deals or arrange secret meetings with children or young people.

Overnight Trips

Situations where staff members or volunteers are taking children or young people out of the area for long periods of time or for overnight outings are to be carefully planned. Use only known, proven staff or volunteers, along with any new staff or volunteers, so that staff and volunteers who are new to the organization are not left alone with the children or young people in a situation where there are no other staff or volunteers to observe. In no circumstance should one adult be allowed to take children or youth on an overnight outing alone. Adults should always sleep in separate quarters from children and adolescents.

Open Door Policy

A further protection for the church and children is to have an open door policy. Parents of the children served, the clergy, or administrative and professional staff of the church or institution have the right to visit and observe the program at any time unannounced.

Discipline Policy

The church or institution should have a policy on disciplining the children served. For the most part, it is a straight-forward policy that would entail reprimands, quiet time, notifying parents, etc. There should be a section clearly stating that the children will be treated with respect, not be spanked or disciplined in ways depriving them of their basic rights to be safe and comfortable. This policy should be known to staff, volunteers, children and parents. Wide knowledge of the policy is good protection, since it will mean that those who think it is being violated will inform the church or institution.

Complaint Procedure

The church or institution should have a complaint procedure. The purpose of the procedure is to ensure that children have an avenue to air their grievances, ensuring that they will be heard and that some action, when appropriate, will be taken on their behalf.

Complaint policies and procedures are not complicated. The policies would be distributed in the material given to staff, volunteers, children and parents when first introduced to the church or program. The policy should clearly state that the leader of the organization or program is interested in knowing the complaints of those who participate.

Once a complaint has been made, the rector and/or the senior warden is assigned to investigate the complaint with an open mind. Once a conclusion has been reached, get back to the maker of the complaint with those conclusions. If disciplinary action was taken with the staff or volunteer, do not delineate those actions but indicate that some action was taken. All actions regarding the complaint should be documented in writing for the future.

Reporting

Each parish or institution should have an established procedure which requires that the adults working with youth or children notify the responsible clergy or supervisor in the case of inappropriate sexual behavior or advances by a child or an adult toward another child, youth or adult.

Communication/Supervision

It is important that all staff – both paid and volunteer – of any church or institution to be involved in regular, scheduled staff meetings to discuss problems, policy, and potential problems. Clarification of staff action and plans of action should be open for discussion at each meeting.

Suspected Misconduct of Staff

It should be the policy of every church or institution not to ignore allegations or complaints, even when they think them to be false. Each should be investigated and conclusions drawn about it only after all parties involved have been spoken to. If child abuse is suspected, the responsible clergy or supervisor must follow the proper procedures for reporting as required by law and outlined in this document.

REMEMBER

None of the above policies or procedures are a guarantee that someone has not been employed who will be abusive to children or young people. It also does not mean that there will never be a staff or volunteer who acts improperly. However, establishing policies and procedures, keeping an open mind to the possibilities, following up on complaints or incidents, pursuing your own intuition and, when confronted with the facts, acting upon them, is the best insurance you can have for protecting the children and young people in your church or institution from child abusers.

DISCIPLINE POLICIES AND PROCEDURES

A. The Church and Relating to Known Perpetrators Who Are Members of the Congregation.

- 1) At no time is a known sex offender to be assigned to ministries with children and/or youth.
- 2) Should such an offender disregard the directions of the clergy or parish leaders, the situation should be communicated to the police and the diocesan bishop.
- 3) Known sex offenders who are members of the congregation are to receive the normal pastoral care afforded any child of God.

B. Child Abuse by Clergy Including Postulants & Candidates for Ordination

- 1) If a member of the clergy is accused of child abuse in a congregation, the Wardens and Vestry shall:
 - i. Inform the diocesan bishop so that a confidential preliminary investigation can begin.
 - ii. Consult the congregations' attorney
 - iii. Cause prompt reports of the arrest and/or subsequent disposition of criminal charges to be made to the Church Insurance Company or other liability carrier. In making reports to insurers either verbally or in writing, remember that such communications are generally non-privileged. They may be divulged in subsequent criminal prosecutions and/or civil suits.
 - iv. Not admit liability or seek to negotiate a settlement. This could void insurance coverage and might be seen as an attempt to hinder prosecution.
- 2) If a member of the clergy is convicted in a court of record of abuse against a child, he or she shall be immediately inhibited and the process begun for deposition. Under no circumstances shall letters dimissory or transfer be offered to another diocese for said person.
- 3) If a member of the clergy is accused of a crime against a child but after a police investigation is not charged with the crime, the potential for civil litigation and liability still exists. If a member of the clergy is tried in criminal court, and acquitted, the potential for civil litigation still exists. The following policies are recommended for congregations and institutions:
 - i. The diocesan bishop shall be kept informed
 - ii. Continue to consult the appropriate attorney.
 - iii. Cause prompt reports of the incident(s) to be made to the Church Insurance Company or other liability carrier.

- iv. Do not offer to pay for professional counseling or other treatment of victim(s) unless approved in advance by the church's legal counsel.
- 4) When no charges have been filed or when an acquittal verdict has been rendered, the Bishop may conclude that the charges are unfounded, or may consider further action under the national or diocesan canons of the Episcopal Church.

C. Child Abuse by Lay Employees or Volunteers of Congregations, Schools, and Institutions

- 1) Have written policies in effect for the interviewing, hiring, supervision, and reporting of: Lay employees having child care duties and volunteers having child care duties.
- 2) In the case of lay employees or volunteers accused of child abuse, the following policies shall be followed:
 - i. Immediately suspend the accused from performing his or her duties and all contact with children.
 - ii. Report to the appropriate authorities, including the police, by the designated and/or mandated reporter.
 - iii. Inform the diocesan bishop.
 - iv. Secure legal counsel for the parish.
 - v. Inform liability insurance carrier.

HIRING GUIDELINES

Whether you are using paid staff or volunteers to be in charge of children, you should approach the selection and hiring in the same manner. Do not be put off by the applicant or volunteer who objects to your inquiries and interview processes. A person who is mature and able to deal with children in an appropriate manner will be understanding and not offended by what you are doing. While these processes can inconvenience an adult, failure to implement them can damage a child.

1. Have an application form (Form C is a sample). The form should list the essentials that any employer would ask an applicant whether paid or volunteer.
2. Ask for references from unrelated sources, preferably ones that have seen the applicant in action with children.
3. Make certain that you check the references. An efficient way to check references is to send out a form (See Form D), which should be kept on file for at least seven years. The written form offers the opportunity for the person to contact the interviewer by telephone. Some suggest that a telephone check is more likely to be candid with you on the phone than in writing. You can also sense reluctance, or hesitation about certain questions that gives you a clue to ask further questions that may help you to get a better picture of the individual.
4. Have a form to record their answers.
5. While interviewing the applicant or volunteer you should be looking for:
 - a. Openness: a genuine interest in and concern for young people
 - b. Dependability
 - c. Self-confidence and assertiveness
 - d. Self-awareness
 - e. Good health and high energy level
 - f. Sense of humor and the ability to relax
 - g. Ability to tolerate conflict and discord
 - h. Cooperative team spirit: ability to express viewpoints honestly and accept compromise
 - i. Emotional stability and good impulse control
 - j. Ability to make quick, sound decisions, often independently
6. Establish a list of questions that you would ask all applicants or volunteers. Keep notes on how they respond (See Form C).
7. When observing and interviewing an applicant, watch for possible indications of or a potential for abuse:

- a. Unresolved, negative childhood experiences including but not limited to abuse as a child
- b. Unrealistic expectations of young people
- c. Poor ability to plan ahead or to anticipate the need to intervene
- d. Inflexibility
- e. Low self-esteem, isolation, or a tendency to internalize problems
- f. Punitive tendencies
- g. Difficulty in expressing emotions appropriately
- h. Inability to relate to youth except as peers
- i. Lack of personal support system
- j. Over investment in children for personal needs.

Processing the Applicant

At the time that the applicant or volunteer has been accepted for the position, you should request that the applicant give you?

1. Copies of their degrees or credentials that they have listed on the application. You may be surprised at the number of individuals who claim to have credentials that they do not have. This is one measure of their integrity.
2. A copy of their drivers license. Even if they are not going to be driving for you, this is another form of identification that is useful to have on file.
3. A copy of their driving record. This should be done within ten days of the time of employment or start of the volunteer job. A motor vehicle license record can be obtained by the applicant by going to the closest DMV and requesting it.
4. A copy of their proof of insurance.
5. The applicant should sign a statement (Form B) that states that they have received a copy of the policies and procedures as well as any other policies and procedures of the organization and will abide by them.
6. You should go over child abuse reporting obligations with your incoming staff or volunteers. At this time you should give them a copy of the child abuse handbook and have them sign the statement for your files.
7. The applicant should receive a job description that lists the general duties of the job, the specific responsibilities, who they report to and the requirements for the job. There should be a job description for paid employees as well as for volunteers.